

REMARKS

Claims 11, 21, 22 and 24-39 are pending and under examination in the above-identified application. Claims 11, 22, 34 and 39 have been amended without prejudice to remove recitations related to breast cancer. No new matter has been added and entry of the amendments is respectfully requested.

Applicants appreciate the Examiner's removal of the rejection of claim 34 under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, had possession of the claimed invention at the time the application was filed. Applicants further appreciate removal of the previous prior art rejections over Sikut et al., *Biochemical and Biophysical Research Communications* 238:612-616 (1997) and Sikut et al., *Int'l J. Cancer* 82(1):52-58 (1999).

Rejections Under 35 U.S.C. § 102

Applicants respectfully traverse the rejection of claims 22, 24-29 and 31-38 under 35 U.S.C. § 102(b) as allegedly being anticipated by Topalovski et al., *Arch. Pathol. Lab Med.* 123:1208-1218 (1999). Although Applicants do not agree that the cited reference anticipates the rejected claims, in an attempt to further prosecution of the pending claims to allowance, claims 22 and 34 have been amended to delete any reference to breast cancer, rendering the rejection moot. Accordingly, Applicants respectfully request removal of the rejection of claims 11, 21, 22 and 24-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Topalovski et al., *Arch. Pathol. Lab Med.* 123:1208-1218 (1999).

Applicants respectfully traverse the rejection of claims 11, 21, 22 and 24-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Aguilera et al., *Mod. Pathol.* 13(6):599-604 (1999). Although Applicants do not agree that the cited reference anticipates the rejected claims, in an attempt to further prosecution of the pending claims to allowance, claims 11, 22, 34 and 39 have been amended to delete any reference to breast cancer, rendering the rejection moot. Accordingly, Applicants respectfully request removal of the rejection of claims 11, 21, 22 and

24-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Aguilera et al., *Mod. Pathol.* 13(6):599-604 (1999).

Regarding 35 U.S.C. § 103

Applicants respectfully traverse the rejection of claims 11, 21, 22 and 24-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aguilera et al., *Mod. Pathol.* 13(6):599-604 (1999) and in further view of U.S. Patent Publication 2004/0038207. Although Applicants do not agree that the cited combination of references anticipates the rejected claims, in an attempt to further prosecution of the pending claims to allowance, claims 11, 22, 34 and 39 have been amended to delete any reference to breast cancer, rendering the rejection moot. Accordingly, removal of the rejection of claims 11, 21, 22 and 24-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aguilera et al., *Mod. Pathol.* 13(6):599-604 (1999) and in further view of U.S. Patent Publication 2004/0038207, is respectfully requested.

CONCLUSION

In light of the Amendments and Remarks herein, Applicant submits that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney.

Application No.: 10/087,192

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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